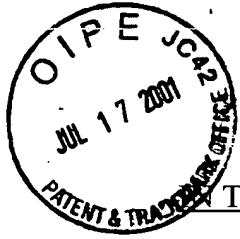


2729
FILE COPY



PATENT
Attorney Docket No.: PHQ-0002 DIV

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Eric Wachter, et al.

Serial No.: 09/072,962

Filed: May 5, 1998

Examiner:

Art Unit:

For: METHOD FOR IMPROVED SELECTIVITY
IN PHOTACTIVATION AND
DETECTION OF MOLECULAR
DIAGNOSTIC AGENTS

Commissioner for Patents
Washington, D.C. 20231

) I hereby certify that this correspondence
is being deposited with the United States
Postal Service as First Class Mail in an
envelope addressed to:

) Commissioner for Patents
Washington, D.C. 20231 on:

) on July 12, 2001

Christine A. Barglik

) Date: July 12, 2001

RECEIVED

JUL 19 2001
TECHNOLOGY CENTER R3700

STATUS INQUIRY - SECOND REQUEST

Gentlemen:

Please advise as to the status of the above-identified patent application.

Enclosed herewith is a copy of the return postcard which we received from the Patent Office on May 11, 1998. The postcard indicates Serial No. 09/072,962, and a filing date of May 5, 1998 was assigned to this application. Also enclosed is the Express Mail Receipt, the Transmittal and the first page of the application, all indicating the filing date of May 5, 1998. Applicants have also filed several other documents in support of this application but have not received any further communications from the Patent Office.

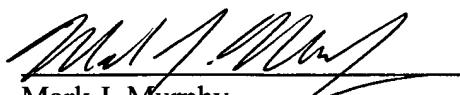
In a telephone conversation with Mrs. Newman of the Office of Initial Patent Examination on May 31, 2000, we were advised that this application was assigned the same serial number (Serial

No. 09/072,962) as Patent No. US 6,096,036. The inventor on this patent is Bowe et al. and the patent indicates a filing date of May 5, 1998. This patent is unrelated to Applicants' application.

Accordingly, the Applicants respectfully requests the current status of the above-identified patent application.

Respectfully submitted,

Dated: July 12, 2001



Mark J. Murphy
Attorney of Record
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street, Suite 2850
Chicago, Illinois 60603
(312) 236-8500



RECEIVED

JUL 19 2001

TECHNOLOGY CENTER R3700

RECEIVED
MAY 1 1980

MAY 11 1998

COOK, McFARRON & MANZO

EXPRESS Mail no: E102397327911S

THE U. S. PATENT & TRADEMARK OFFICE
OFFICIAL MAILROOM STAMP AFFIXED
HERETO, ACKNOWLEDGES RECEIPT OF:

(X) Declaration and Power of Attorney
ENCLOSURES:

(X) Application Divisional patent
(X) Drawing(s) 14 (F) (INF.) X
(X) Check \$ 395.00 No: 33154
() Citation Prior Art
() Claim Priority jc541 U.S. PTO
() Extension of Time (duplicate) 09/072962
() Communication to Examiner 
(X) Amendment Preliminary A 
() Amendment after FINAL Rejection 08/08/98
() PTO Fee Form
() Assignment (X) Appointment of Associate
() Certified copy Attorneys
(X) Revocation of Power of Prior P.O.A. and
() Appt. of new Power of Attorney
(X) Stmt of Status as Small Entity

S RE: APPLICATION ATTY/SEC: MJM:s

Applicant: ERIC WACHTER, et al.

Our File No: PHO-002 DIV S N

Filed On herewith

For: METHOD FOR IMPROVED SELECTIVITY

DATE DUE: DATE SENT: 5-5-98

CASE PHO-0002DIV; 09/072,962
DKI. DATE 8/5/98
FINAL DATE 5/5/99 RECD. SENT
SUBJECT Prior art + foreign filing

CN 5/11/98

PATENT APPLICATION

METHOD FOR IMPROVED SELECTIVITY IN PHOTO-ACTIVATION AND
DETECTION OF MOLECULAR DIAGNOSTIC AGENTS

EI0239

"Express Mail" Mailing Label No. 732794US

Date of Deposit MAY 5, 1998

Inventors: Eric A. Wachter
138 Bay Path Drive
Oak Ridge, Tennessee 37830

Walter G. Fisher
8514 Carl Valentine Road
Knoxville, Tennessee 37931

H. Craig Dees
1805 Sun Chase Apartments
790 North Cedar Bluff Road
Knoxville, Tennessee 37923

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Name Casindra Himmelstein
(typed or printed)

Signature Casindra Himmelstein

Richard M. Kessler, Esq.
11324 Gates Mill Drive
Knoxville, Tennessee, 37922-1752
(423) 777-0244

Docket No. PHO-0002

* * *

"Express Mail" mailing label number EG609572792US
Date of Deposit October 30, 1996

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date.

Richard M. Kessler
(Typed or printed name of person mailing paper or fee)

Richard M. Kessler
(Signature of person mailing paper)

METHOD FOR IMPROVED SELECTIVITY IN PHOTO-ACTIVATION AND DETECTION OF MOLECULAR DIAGNOSTIC AGENTS

This invention was made with Government support under Contract No. DE-AC05-84OR21400 awarded by the U.S. Department of Energy to Lockheed Martin Energy Systems, Inc. Lockheed Martin Energy Systems and the Oak Ridge Associated Universities have waived rights to this invention to the inventors. The Government has rights in this invention pursuant to Contract

5 No. DE-AC05-84OR21400 awarded by the U.S. Department of Energy.

BACKGROUND OF THE INVENTION:

Field of the Invention:

The present invention relates generally to methods and apparatus for remotely effecting spatially-selective photo-activation of one or more molecular agents and for improving the detection 10 of the diagnostic signals thereby produced. The method taught for effecting photo-activation utilizes the special properties of non-linear optical excitation for promoting an agent from one molecular energy level to another with a high degree of spatial and molecular specificity. The special features of this method are applicable for activation of various endogenous and exogenous 15 imaging agents, and in particular afford distinct advantages in the diagnosis of diseases in humans and animals. Specifically, use of non-linear excitation methods facilitate controlled activation of diagnostic agents in deep tissue using near infrared to infrared radiation, which is absorbed and scattered to a lesser extent than methods and radiations currently used. Combination of these non-linear excitation methods with advanced signal encoding and processing methods greatly increases sensitivity in the detection of diagnostic signals.

20

FILE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 7144

SERIAL NUMBER 09/072,963	FILING DATE 05/05/1998 RULE	CLASS 128	GROUP ART UNIT 3737	ATTORNEY DOCKET NO. PHO-0002-DIV
-----------------------------	-----------------------------------	--------------	------------------------	--

APPLICANTS

ERIC A. WACHTER, OAK RIDGE, TN;
 WALTER G. FISHER, KNOXVILLE, TN;
 H. CRAIG DEES, KNOXVILLE, TN;

** CONTINUING DATA *****

THIS APPLICATION IS A DIV OF 08/741,370 10/30/1996 PAT 5,832,931

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **

** 05/22/1998

Foreign Priority claimed	<input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance	TN	13	10	2
Verified and Acknowledged	Examiner's Signature	Initials			

ADDRESS

EDWARD D. MANZO
 COOK, MCFARRON & MANZO, LTD.
 200 W. ADAMS ST. STE. 2850
 CHICAGO , IL 60606

TITLE

METHODS FOR IMPROVED SELECTIVITY IN PHOTO-ACTIVATION AND DETECTION OF MOLECULAR DIAGNOSTIC AGENTS

FILING FEE RECEIVED 395	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
----------------------------	---	---



POST OFFICE TO ADDRESSEE E1023973279US

UNITED STATES POSTAL SERVICE

ORIGIN (POSTAL USE ONLY)	
Postage Code 100-000	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second
Date in 11/13	Time in 12 noon <input type="checkbox"/> 3 PM
Mo. 1	Postage \$ 15.00

100-000

INSURANCE COVERAGE LIMITS	
Weight 1 lb	Acceptance <input checked="" type="checkbox"/> First Initiate <input type="checkbox"/> Subsequent \$ 15.00

100-000

**SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND
INSURANCE COVERAGE LIMITS**

FEDERAL AGENCY USE ONLY	
FEDERAL AGENCY USE ONLY	
FEDERAL AGENCY USE ONLY	

100-000

Customer Copy

FROM: PLEASE PRINT
MARK J. MURPHY
DIV
COOK, McFARRON & MUNZO, Ltd.
200 West Adams Street
Suite 2850
Chicago, Illinois 60603

TO: PLEASE PRINT
**ASSISTANT COMMISSIONER
FOR PATENTS**
WASHINGTON, D.C.

FOR PICKUP OR TRACKING CALL 1-800-222-1811